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JUL 28 2004

OFFICIAL

TO: U. S. Patent and Trademark Office  
Attn: Examiner, Trinh T. Nguyen  
Art Unit: 3644

FAX NO.: (703) 872-9306

DATE: July 28, 2004

FROM: Derek V. Forinash

Conley Rose, P.C.  
JPMorgan Chase Tower  
600 Travis Street, Suite 7100  
Houston, Texas 77002-2912

TELEPHONE: (713) 238-8000

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CLIENT NO.: 2224-00300

TOTAL NUMBER OF PAGES (INCLUDING THIS ONE) 5COMMENTS: Re: U.S. Patent Application No. 10/684,765  
Filing Date: October 14, 2003  
Applicant(s): Desmond J. LatoucheThe following documents are attached for filing:

Transmittal Form (1 p.)

PTO Fee Transmittal (1 p.)

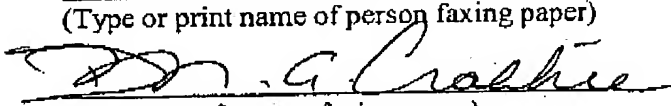
Response to Restriction Requirement Dated June 28, 2004 (2 p.)

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M. A. CRABTREE

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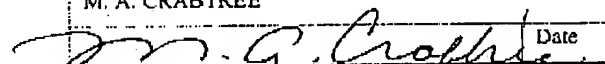
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<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/684,765	
	Filing Date	October 14, 2003	
	First Named Inventor	Desmond J. Latouche	
	Art Unit	3644	
	Examiner Name	T. Nguyen	
Total Number of Pages in This Submission	4	Attorney Docket Number	2224-003(X) DVF

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i> <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm Or Individual Name	DEREK V. FORINASH
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Typed or Printed Name	M. A. CRABTREE
Signature	
Date	July 28, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P. O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

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<b>FEE TRANSMITTAL</b> <b>For FY 2004</b>		<b>Complete if Known</b>																																																																																																																																																	
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<b>The Director is authorized to: (check all that apply)</b> <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account <input checked="" type="checkbox"/> Credit any overpayments		<b>FEE CALCULATION (continued)</b>																																																																																																																																																	
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<b>SUBMITTED BY</b> Name (Print/Type) <b>DEREK V. FORINASH</b>		Registration No. (Attorney/Agent)	47,231																																																																																																																																																
Signature		Telephone	(713) 238-8000																																																																																																																																																
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JUL 28 2004

APPLICANT: DESMOND J. LATOUCHE

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ART UNIT: 3644

SERIAL NO.: 10/684,765

EXAMINER:  
T. NGUYEN

FILED: OCTOBER 14, 2003

CONFIRMATION NO.: 3350

FOR: MODULAR SPIN FISHING  
SYSTEM

OFFICIAL

RESPONSE TO RESTRICTION REQUIREMENT DATED JUNE 28, 2004

Atty. Dkt. No.: 2224-00300

Clk. Ref. No.: 24842-0012

Date: July 28, 2004

Mail Stop Amendment  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

This paper is filed in response to the Office Action dated June 28, 2004.

Remarks/Arguments begin on page 2 of this paper.

### REMARKS

In the Office Action the Examiner issued a requirement for restriction. The Examiner requires an election of species and found that there are no generic claims. The Examiner requires election of one fishing rod holder, identified as Species I-V, one fishing rod handle, identified as Species A-C, and one Fishing rod, identified as Species 1-3.

In response, the Applicant elects Species I, B, and 2, corresponding to Figures 1, 2, and 5, as well as item 24b of Figure 7 and item 20b of Figure 8. The Applicant traverses the finding that there is no generic claim and asserts that at least claim 1 is generic.

#### Claims Corresponding to Elected Species

The Applicant elects the fishing rod holder of Species I as reflected in Figures 1, 2, and 5. Further, the Applicant elects the fishing rod handle of Species B as reflected in item 24b of Figure 7. Still further, the Applicant elects the fishing rod of Species 2 as reflected in item 20b of Figure 8. The Applicant also contends that Species III (no. 12a of Figure 6) encompasses components identical to those of Species II in Figures 3 and 4. Similarly, Species IV (no. 12b of Figure 6) encompasses components identical to those of Species I in Figures 1, 2, and 5.

Claims 1-21 and 23-24 are readable on the combination of Species I, B, and 2. Thus, of the pending claims, only claim 22 includes limitations not found in Species I/B/2.

#### Generic Claims

As stated in MPEP 806.04(d), "a generic claim should include no material element additional to those recited in the species claims, and must comprehend within its confines the organization covered in each of the species." Thus, a generic claim cannot include limitations not present in each of the species claims. The present application has only one independent claim, claim 1. By definition, each of the remaining claims (2-24) includes all of the limitations found in claim 1. Further, the limitations found in claim 1 are found in each of the species identified by the Examiner. Therefore, claim 1 should be considered a generic claim.

Respectfully submitted,



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